

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

FEB 23 2004

Case No. 5406
Date Filed 2-30-04
Hearing Date _____
Receipt _____
Fee \$150

Shaded Areas for Office Use Only

Type of Application

Nature of Request and Section(s) of Code

CASE 5406 MAP 66 TYPE Variance

- ☐ Administrative Decision/Interpretation
☐ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☐ Area Variance
☐ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

ELECTION DISTRICT 1 LOCATION 314 Ahern Drive, Edgewood, Md. 21040

BY Roxanne White

Appealed because a variance pursuant to Section 267-36B, Table V and Section 267-23C(1)(a)(6) of the Harford County Code to allow a deck to be within the required 26 foot rear yard setback (proposed 22 foot) in a R2/COS District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name Roxanne White Phone Number 410.679.7319
Address 314 Ahern Drive Edgewood MD 21040
Street Number Street City State Zip Code

Co-Applicant _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Hearing: 4/7/04

Rev. 12/02

Land Description

Address and Location of Property 314 Ahern Drive, Edgewood, MD 21040. The property is located in the Forest Oaks Community off of Willoughby Beach Road.

Subdivision Forest Oaks

Lot Number 100

Acreage/Lot Size 7579

Election District 1

Zoning R2/COS

Tax Map No. 66 Grid No. 3C Parcel 552 Water/Sewer: Private _____ Public X

List ALL structures on property and current use: Home with attached garage.

Estimated time required to present case: 30 Minutes

If this Appeal is in reference to a Building Permit, state number _____

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No X

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes _____ No X

Is this request within one (1) mile of any incorporated town limits? Yes _____ No X

Request

I'd like to build a deck that extends 15' from the back of my home.

Justification

The topography of the lot is one in which there is a steep slope off of the rear of the property. Without building a deck that extends 15' from the house, the land remaining would create a space too difficult to maintain. The house is also situated farther back from the road than other properties in the development. Also, houses to the rear of my property

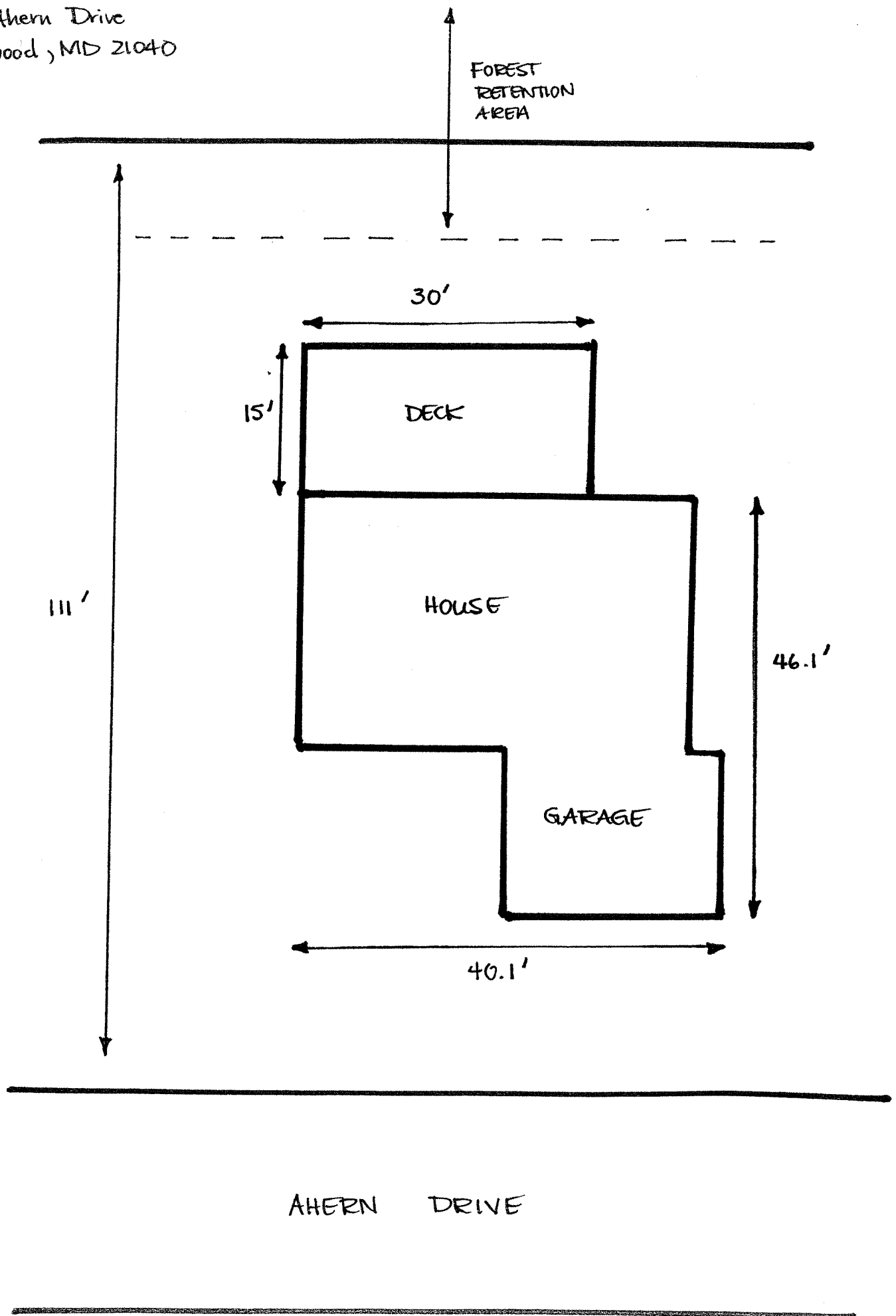
If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

Roxanne White
314 Ahern Drive
Edgewood, MD 21040

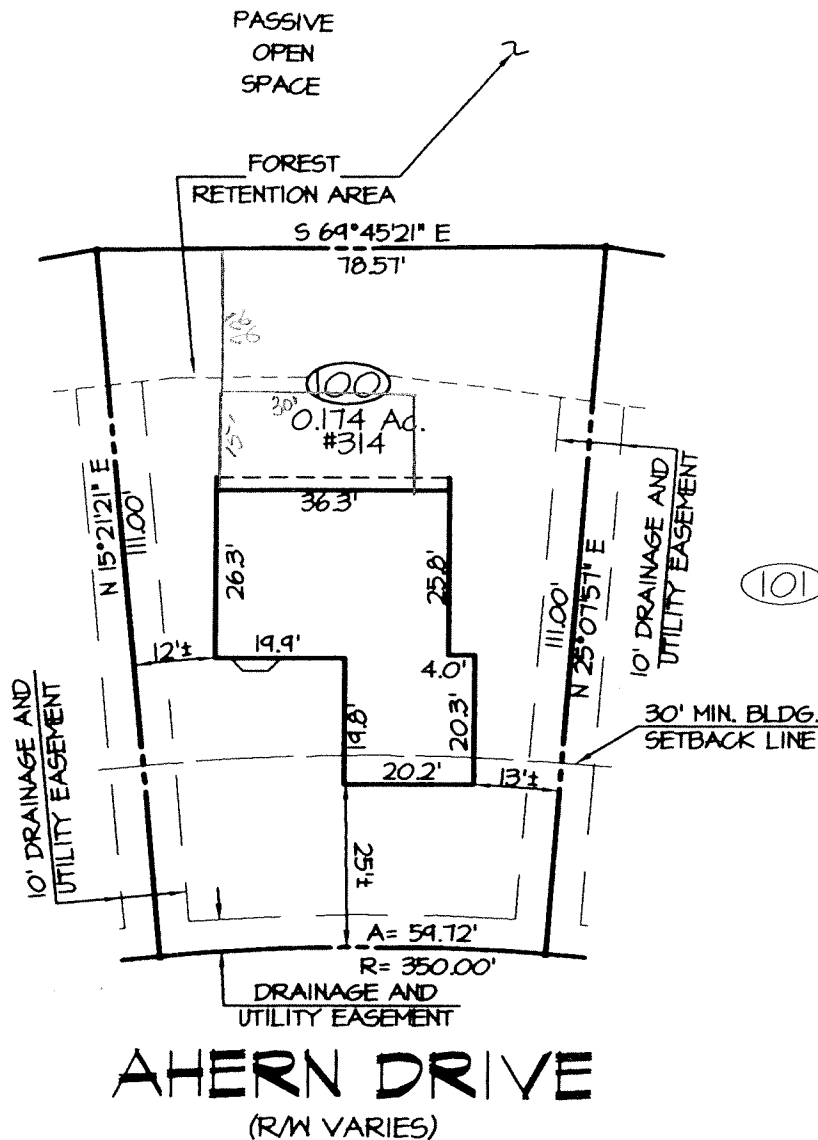
Justification (cont'd.)

would not be able to see the deck since open space and a mature forest separates my property from their property. In addition, the deck I wish to build is consistent with the size of other decks that have been built in the development.

PLOT PLAN
314 Ahern Drive
Edgewood, MD 21040



HCMC COORD. SYSTEM (NAD' 21)



ACCURACY LIMITATIONS

LOT BOUNDARY - AS CALLED
BUILDING DIMENSIONS - $\pm 0.2'$
BUILDING TO BOUNDARY LINE - $\pm 1'$

- 1) THIS PLAT IS OF BENEFIT TO A CONSUMER ONLY INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING OR RE-FINANCING;
- 2) THIS PLAT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OR LOCATION OF FENCES, GARAGES BUILDINGS, OR OTHER EXISTING OR FUTURE IMPROVEMENTS; AND
- 3) THIS PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR RE-FINANCING.

FLOOD NOTE:
THIS IS TO CERTIFY THAT THE LAND SHOWN HEREON IS NOT WITHIN THE FLOOD ZONES AS SHOWN ON THE FLOOD INSURANCE RATE MAPS AS PUBLISHED JANUARY 7, 2000.



MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS, & LANDSCAPE ARCHITECTS

3445-A Box Hill Corporate Center Drive
Arlington, Maryland 21009
(410) 515-9000
Fax: (410) 515-9002

LOCATION DRAWING LOT 100

FINAL PLAT TWO - PHASE II

FOREST OAKS

C.G.H. NO. 105 FOLIO 50

FIRST ELECTION DISTRICT HARFORD COUNTY, MD

FOR: RYAN HOMES

SCALE: 1"=30'

DATE: MARCH 7, 2002

DRAWN BY: BCH

DESIGN BY:

REVIEW BY: GSP

JOB NO. 12007

JAMES M. HARKINS

HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.

DIRECTOR OF ADMINISTRATION



J. STEVEN KAH-ZIEGLER
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

March 26, 2004

STAFF REPORT

BOARD OF APPEALS CASE NO. 5406

APPLICANT: Roxanne White
314 Ahern Drive
Edgewood, MD 21040

LOCATION: 314 Ahern Drive
South side of Ahern Drive, west of Sivanoy Drive in the Forest
Oaks subdivision
Tax Map 66 / Grid 3C / Parcel 552
Election District: First

ACREAGE: 0.174 acre

ZONING: R2/COS – Urban Residential / Conventional with Open Space

DATE FILED: February 20, 2004

HEARING DATE: April 14, 2004

APPLICANT'S REQUEST and JUSTIFICATION:

Request:

“I’d like to build a deck that extends 15’ from the back of my home.”

Justification:

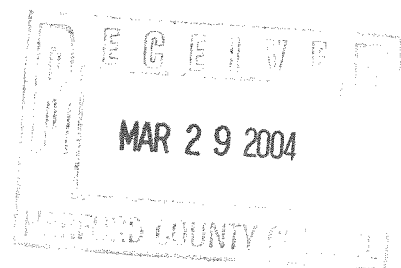
“The topography of the lot is one in which there is a steep slope off of the rear of the property. Without building a deck that extends 15’ from the house, the land remaining would create a space too difficult to maintain. The house is also situated farther back from the road than other

Preserving our values, protecting our future

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410-638-3000 • 410-879-2000 • TTY 410-638-3086 • www.co.ha.md.us

This document is available in alternative format upon request.



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Roxanne White

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properties in the development. Also, houses to the rear of my property would not be able to see the deck since open space a mature forest separates my property from their property. In addition, the deck I wish to build is consistent with the size of other decks that have been built in the development.”

CODE REQUIREMENTS:

The Applicant is requesting a variance pursuant to Section 267-36B, Table V and Section 267-23C(1)(a)(6) of the Harford County Code to allow a deck to be within the required 26-foot rear yard setback (proposed 22-foot) in a R2/COS District.

Section 267-36B, Table V:

Attachment 1.

Section 267-23C(1)(a)(6):

C. Exceptions and modifications to minimum yard requirements.

(1) Encroachment.

(a) The following structures shall be allowed to encroach into the minimum yard requirements, not to exceed the following dimensions:

[6] Unenclosed patios and decks: up to, but not to exceed, twenty-five percent (25%) of the side or rear yard requirement for the district. No accessory structure shall be located within any recorded easement area.

The Harford County Code, pursuant to Section 267-11 permits area variances provided the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Part 1 would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Part 1 or the public interest.

In authorizing a variance, the Board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary, consistent with the purposes of this Part 1 and the laws of the state applicable thereto. No variance shall

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Roxanne White

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exceed the minimum adjustment necessary to relieve the hardship imposed by literal enforcement of this Part 1. The Board may require such guaranty or bond as it may deem necessary to insure compliance with conditions imposed.

If an application for a variance is denied, the Board shall take no further action on another application for substantially the same relief until after two (2) years from the date of such disapproval.

LAND USE and ZONING ANALYSIS:

Land Use - Master Plan:

The subject property is located east of Edgewood Road (MD Route 755) and south of Willoughby Beach Road in the Forest Oaks subdivision. Enclosed with the report are copies of location maps, and a copy of the Applicant's site plan. (Attachments 2 and 3A-B)

The area in the vicinity of the subject property is designated as Low and Medium Intensity. The Natural Features Map reflects Chesapeake Bay Critical Area and Habitats of Local Significance. The subject property is designated as Low Intensity, which is defined by the 1996 Land Use Plan as:

Low Intensity – Areas within the Development Envelope where residential development is the primary land use. Density ranges from 1.0 to 3.5 dwelling units per acre. Neighborhood commercial uses such as convenience stores, doctors' offices, and banks are examples of some of the nonresidential uses associated with this designation.

Enclosed with the report is a copy of the 1996 Land Use Map and Natural Features Map, reflecting the general area of the subject property. (Attachments 4 and 5)

Land Use - Existing:

The land uses in this area of the County consist primarily of residential units. There are predominately single-family dwellings in the area; however, the recent development of Lord Willoughby's Rest to the west includes some townhouse units. In addition, institutional uses nearby include elementary, middle and high schools, and churches. The Edgewood Arsenal portion of Aberdeen Proving Grounds is directly south of this property. Enclosed with the report is a copy of the 2000 aerial photograph. (Attachment 6) The aerial photograph does not depict the recent development activity in the area, including the development of the subject site.

The subject property is a single-family residential lot in the Forest Oaks subdivision, encumbered on the rear portion by a forest retention area. The topography is gently sloping from front to

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Roxanne White

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rear. Improvements consist of a frame single-family dwelling with attached two-car garage. Enclosed with the report are site photographs. (Attachments 7A-E)

Zoning:

The zoning classifications in this area are consistent with the 1996 Master Plan and 1996 Land Use Element Plan. The predominant zoning classifications in this area are R2 and R3 – Urban Residential, with B1 – Neighborhood Business and B2 – Community Business to the east. Enclosed with the report is a copy of the zoning map. (Attachment 8)

SUMMARY:

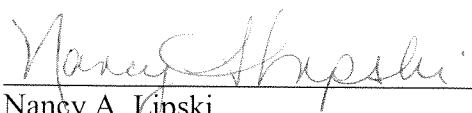
The Applicant is requesting a variance pursuant to Section 267-36B, Table V and Section 267-23C(1)(a)(6) of the Harford County Code to allow a deck to be within the required 26-foot rear yard setback (proposed 22) in a R2/COS District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds that by reason of the uniqueness of the property or topographical conditions, the literal enforcement of the Code would result in practical difficulty or unreasonable hardship. Furthermore, the Applicant must prove that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the subject property is unique. The property is encumbered to the rear by forest retention area. To the rear of the lot is a substantial area of passive open space, which is completely forested and provides a substantial buffer to the adjacent Lord Willoughby's Rest subdivision. The house is located well behind the minimum setback line, and is further back from the road than the other homes in the development. The requested deck will be consistent with other decks in the neighborhood. The request if approved will not have an adverse impact on the adjacent properties or the intent of the Code.

RECOMMENDATION and/or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends approval of the request subject to the Applicant obtaining all necessary permits and inspections.



Nancy A. Lipski
Chief, Site Plan & Permits Review



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning